



**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604-660-7000  
Fax: 604-660-7033  
www.alc.gov.bc.ca

July 19, 2007

Reply to the attention of Jennifer Carson  
ALC File: # O - 37107

Jatinder Bhangoo  
7 - 8456 - 129A Street  
Surrey, BC V3W 1A2

Dear Mr. Bhangoo:

Re: Application for Non-Farm Use in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # 335/2007 outlining the Commission's decision as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a white background.

Erik Karlsen, Chair

cc: The Corporation of the Township of Langley (#SO000432)

Enclosure: Minutes

JC/lv  
37107d1



## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

---

A meeting was held by the Provincial Agricultural Land Commission on July 9, 2007 in Langley, B.C.

<b>PRESENT:</b>	Sylvia Pranger	Chair, South Coast Panel
	Michael Bose	Commissioner
	John Tomlinson	Commissioner
	Tony Pellett	Staff
	Jennifer Carson	Staff

### For Consideration

Application: # O - 37107  
Applicant: Sukhjinder Singh Bhangoo  
Agent: Jatinder Bhangoo  
Proposal: To deposit fill to eliminate some driveways and dangerous slopes in order to increase land under cultivation. Current slopes are very steep and are a hazard for operating equipment.  
Legal: PID: 005-643-317  
Lot K, Section 21, Township 11, New Westminster District, Plan 57853  
Location: 7763 - 240th Street, Langley

### Site Inspection:

A site inspection was conducted on Monday February 19<sup>th</sup>, 2007. Those in attendance were:

- Sylvia Pranger Chair, South Coast Panel
- Michael Bose Commissioner
- John Tomlinson Commissioner
- Terra Kaethler Staff
- Brian Underhill Staff
- Jennifer Carson Staff
- Bob Bhangoo Applicant
- Richard Campbell Contractor

The applicant confirmed that the staff report dated December 27, 2006 was received and no errors were identified. The applicant, Commissioners and staff walked the property and examined the fill site. The property currently has blueberries growing on the majority of the property and raspberries growing on the area that is going to be filled. The area between the two fields is separated by a steep slope. The proposal was discussed in terms of improving the quality of the soil of the current raspberry field as well as bringing into production areas on the property that are currently too steep to grow anything on which is estimated to be 5.5 acres. The contractor spoke to the drainage of the property as the Commissioners raised concerns of a neighbouring creek. Mr. Campbell indicated that all water would drain into the site and therefore the creek would not be adversely affected. A report by West Coast Engineers was completed by the applicant, however, it has not been received by the Commission.

During discussions once the Commissioners had left the property indicated that if Agrologist, Hydrologist and DFO documents support the project they can see only a net benefit to agriculture.

### **Context**

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

### **Discussion**

#### **Assessment of Agricultural Capability**

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The improved ratings for the agricultural capability of the soil of the subject property are:

Class 2 – Land in this class has minor limitations that require good ongoing management practices or slightly restrict the range of crops, or both.

Class 3 – Land in this class has limitations that require moderately intensive management practices or moderately restrict the range of crops, or both.

#### **Subclasses**

- A soil moisture deficiency
- D undesirable soil structure
- T topography

#### **Assessment of Agricultural Suitability**

The Commission assessed whether the external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

### **Assessment of Impact on Agriculture**

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commissioners reviewed the information provided by the applicant and found it to satisfy earlier requests from the Commission. The Commissioners wish to acknowledge the efforts made by the applicant to address the concerns and meet the requirements outlined by the Commission in their previous correspondence and look forward to seeing the property filled as is discussed in the Agrologist's Report. The Commission believes the proposal would impact existing or potential agricultural use of surrounding lands.

### **Conclusions**

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will have not have and adverse impact on agriculture if done correctly.

### **IT WAS**

**MOVED BY:** Commissioner Bose  
**SECONDED BY:** Commissioner Pranger

THAT the application be allowed.

AND THAT the approval is subject to the following conditions:

- Carrying out the filling as specified in the application in accordance with the report from C&F Land Resource Consultants Ltd. dated June 1, 2007.
- That the Professional Agrologist involved in the project with regular updates to the Commission regarding the progress of the project and upon finalization of the project.
- No structural fill or clays that don't drain be placed on the property
- Topsoil from the subject property be salvaged
- The posting of a \$60,000 letter of credit which will be returned upon successful completion of the project.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

### **CARRIED**

**Resolution # 335/2007**



**Staff Report 2**  
**Application # O – 37107**  
**Applicant: Sukhjinder Singh Bhangoo**  
**Agent: Jatinder Bhangoo**

**DATE PREPARED:** June 19, 2007

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To deposit fill to eliminate some driveways and dangerous slopes in order to increase land under cultivation. Current slopes are very steep and are a hazard for operating equipment. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

A site inspection was conducted on Monday February 19<sup>th</sup>, 2007. Those in attendance were:

- Sylvia Pranger                      Chair, South Coast Panel
- Michael Bose                        Commissioner
- John Tomlinson                      Commissioner
- Terra Kaethler                        Staff
- Brian Underhill                       Staff
- Jennifer Carson                       Staff
- Bob Bhangoo                         Applicant
- Richard Campbell                    Contractor

The applicant confirmed that the staff report dated December 27, 2006 was received and no errors were identified. The Applicant, Commissioners and Commission Staff walked the property and examined the fill site. The property currently has blueberries growing on the majority of the property and raspberries growing on the area that is going to be filled. The area between the two fields is separated by a steep slope. The proposal was discussed in terms of improving the quality of the soil of the current raspberry field as well as bringing into production areas on the property that are currently too steep to grow anything on which is estimated to be 5.5 acres. The contractor spoke to the drainage of the property as the Commissioners raised concerns of a neighbouring creek. Mr. Campbell indicated that all water would drain into the site and therefore the creek would not be adversely affected. A report by West Coast Engineers was completed by the applicant, however, it has not been received by the Commission.

While the Commissioners could see the potential benefits of this proposal to agriculture, it was determined that a Professional Agrologist should be employed to create a report for the subject property and the proposal providing professional opinion of whether or not the fill is required on the property, what benefit it would have to agriculture, and how it could best be managed for the best possible results.

Commission Staff have met with the Agrologist employed for this purpose on numerous occasions to discuss the proposal. The requested Agrologist Report was submitted to the Commission in early June.

**STAFF COMMENTS:**

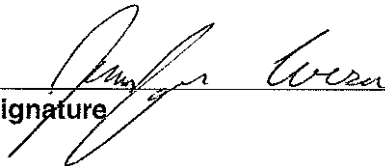
- The Agrologist Report indicates the following:
  - while the existing raspberry plants are not very robust, strawberries could likely be successfully grown on the lower, southwest bench.
  - the total volume of fill required to complete the project is less than what was initially proposed, as the Agrologist advised that a gentle 5% slope would be a better use of land and help to mitigate any potential difficulties involving the adjacent gulley.
  - the final product including the lower, southwest bench and the escarpment will be Class 1 land with a gentle 5% slope.
- If the Commission decides to allow this fill to be deposited on the property, the following is recommended:
  - the procedure outlined in the Agrologist Report written on June 1, 2007 be followed.
  - an Irrevocable Letter of Credit (ILOC) be submitted to the Commission before the filling commences
  - receipt of a second Agrologist Report indicating that the project has been successful in achieving the results outlined in the Agrologist Report of June 1, 2007.
  - the ILOC be returned to the applicant when the Commission is satisfied that the project is complete and has successfully completed the filling.

**ATTACHMENTS:**

1. Initial Staff Report and Attachments
2. Agrologist Report dated June 1, 2007

**END OF REPORT**

Signature



Date

June 23, 2007



**Staff Report**  
**Application # O – 37107**  
**Applicant: Sukhjinder Singh Bhangoo**

**Agent: Jatinder Bhangoo**

**DATE RECEIVED:** December 04, 2006

**DATE PREPARED:** February 1, 2007

**TO:** Chair and Commissioners – South Coast Panel

**FROM:** Jennifer Carson, Land Use Planner

**PROPOSAL:** To deposit 107,642 m<sup>3</sup> of fill to increase land under cultivation for blueberries by eliminating some driveways and hazardous slopes. This application is made pursuant to section 20(3) of the *Agricultural Land Commission Act*.

**BACKGROUND INFORMATION:**

**Local Government:**

The Corporation of the Township of Langley

**Legal Description of Property:**

PID: 005-643-317  
Lot K, Section 21, Township 11, New Westminster District, Plan 57853

**Location of Property:**

7763 - 240th Street, Langley

**Size of Property:**

13.4 ha (The entire property is in the ALR).

**Present use of the Property:**

Blueberry plants

**Surrounding Land Uses:**

**WEST:** Forested Area  
**SOUTH:** Forested Area  
**EAST:** Greenhouses, pastures, turf farm  
**NORTH:** Turf Farm

**Agricultural Capability:**

Data Source: Agricultural Capability Map # 92G/2  
The majority of the property is identified as having Mixed Prime and Secondary ratings.

**RELEVANT APPLICATIONS:**

**Application #32107-0**

**Applicant:** Balducci, Marco & Flora  
**Decision Date:** July 23, 1998  
**Proposal:** Deposit 60,000m<sup>3</sup> of excavation material up to a maximum depth of 2.5 m  
**Decision:** Refused on the grounds that there are other more preferable methods available to deal with excess water problems than filling.

**Application #32107-1**

**Applicant:** Balducci, Marco & Flora  
**Decision Date:** September 21, 1998  
**Proposal:** Deposit 15,000m<sup>3</sup> of excavation material  
**Decision:** Refused on the grounds that 1) the amount proposed was felt to be excessive and 2) there are other more preferable methods available to deal with excess water problems than filling.

**Application #32107-2**

**Applicant:** Balducci, Marco & Flora  
**Decision Date:** March 11, 1999  
**Proposal:** Deposit 15,000m<sup>3</sup> of excavation material according to a phased plan.  
**Decision:** Approved subject to the applicants phased plan, drainage recommendation of Ms. Janine Nyvall, and standard conditions including bonding in the order of \$10,000.

**LOCAL GOVERNMENT RECOMMENDATIONS/COMMENTS:**

No comments or recommendations

**STAFF COMMENTS:**

It is recommended that the Commission consider the following:

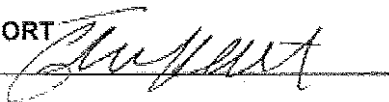
- The Agricultural Capability Map suggests that the property is Class 2 and Class 3 land.
- An onsite visit may determine if this property does not conform to the Agricultural Capability ratings from the Canada Land Inventory.
- If the quality of the soil is still uncertain the Commission could request an Agrologist's report before making a decision on the application.

**ATTACHMENTS:**

1. ALC Context Map
2. Aerial Photograph
3. Location of proposed soil deposit

END OF REPORT

Signature



Date

2/2/07